

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

ROBERT HULVEY #257790,

Plaintiff,

Case No. 2:08-cv-237

v.

HON. R. ALLAN EDGAR

DANIEL QUIGLEY, et al.,

Defendants.

OPINION AND ORDER APPROVING MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION

The Court has reviewed the Report and Recommendation filed by the United States Magistrate Judge on July 10, 2009. The Report and Recommendation was duly served on the parties. The Court received objections from the Plaintiff and a response to the objections from Defendants. In accordance with 28 U.S.C. § 636(b)(1), the Court has performed *de novo* consideration of those portions of the Report and Recommendation to which objection has been made. The Court now finds the objections to be without merit.

In his objections, Plaintiff claims that he should be excused from the exhaustion requirement regarding eleven defendants because he did not know their names. However, as noted by Defendants in their response, Plaintiff is required to identify the parties being grieved in some fashion. Plaintiff failed to identify Defendants by either their position, appearance or other means. In addition, Defendants properly note that Plaintiff sent letters specifically mentioning the names of Defendants Young, Curely, Quigley, McJouren, Scott and Boynton, around the time he filed grievances. Plaintiff also admitted knowing the names of Defendants Corey-Spicer, Andrzejak,

Mansfield, and Menard. Moreover, Plaintiff's sole grievance identifies only one incident and names only Defendant Young. The pertinent policy states that dates, times, places and names of all those involved in the issue being grieved are to be included in the step I grievance. MDOC Policy Directive 03.02.130 at ¶ T. Therefore, the Magistrate Judge properly found that Plaintiff had not grieved any other instances of misconduct. Accordingly, Plaintiff's objections lack merit.

THEREFORE, IT IS ORDERED that the Report and Recommendation of the Magistrate Judge is approved and adopted as the opinion of the court and Defendants' motion for summary judgment (docket #43 and #52) will be GRANTED with regard to all of the named Defendants in this case, with the exception of Defendant James Young.

Dated: 8/11/09

/s/ R. Allan Edgar
R. ALLAN EDGAR
UNITED STATES DISTRICT JUDGE